

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

JOINT RESOLUTION

TO AMEND THE MEDICAID SECTION 1115 DEMONSTRATION WAIVER REQUESTS  
AND RENEWALS

Introduced By: Senator Joshua Miller

Date Introduced: February 16, 2023

Referred To: Senate Health & Human Services

1 WHEREAS, The General Assembly enacted Chapter 12.4 of Title 42 entitled “The  
2 Rhode Island Medicaid Reform Act of 2008”; and

3 WHEREAS, A legislative enactment is required pursuant to Rhode Island General Laws  
4 42-12.4-1, et seq.; and

5 WHEREAS, Rhode Island General Laws § 42-7.2-5(3)(i) provides that the Secretary of  
6 the Executive Office of Health and Human Services is responsible for the review and  
7 coordination of any Medicaid section 1115 demonstration waiver requests and renewals as well  
8 as any initiatives and proposals requiring amendments to the Medicaid state plan or category II or  
9 III changes as described in the demonstration, “with potential to affect the scope, amount, or  
10 duration of publicly-funded health care services, provider payments or reimbursements, or access  
11 to or the availability of benefits and services provided by Rhode Island general and public laws”;  
12 now therefore be it

13 RESOLVED, That, in pursuit of a more cost-effective consumer choice system of care  
14 that is fiscally sound and sustainable, the legislature approves the following proposal to amend  
15 the demonstration:

16 (1) Implement a behavioral health per diem add-on for complex patients with behavioral  
17 conditions who: (i) Are hospitalized, are clinically appropriate for discharge to a nursing facility,  
18 and the nursing facility is Medicaid certified to provide or facilitate enhanced levels of behavioral  
19 healthcare; or (ii) Reside in a nursing facility and are Medicaid recipients with medically-based

1 mental health or behavioral disorders demonstrating significant behaviors as shown in a minimum  
2 of thirty (30) days of clinical behavioral documentation of behavioral health conditions, and the  
3 nursing facility is Medicaid certified to provide or facilitate enhanced levels of behavioral  
4 healthcare; and be it further

5           RESOLVED, That the Secretary of State be and hereby is authorized and directed to  
6 transmit duly certified copies of this resolution to the Governor of the State of Rhode Island, and  
7 to the Rhode Island Department of Health, and to the Rhode Island Executive Office of Health  
8 and Human Services.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
JOINT RESOLUTION  
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- 1 This joint resolution would approve an amendment to Medicaid section 1115
- 2 demonstration waiver requests and renewals.

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